

covenant without joining all others interested as assignees? If he could sue alone, every other assignee could do so, and the covenant would be split into as many covenants as there happened to be assignees?

INTERLOCUTORY INJUNCTION—UNDERTAKING AS TO DAMAGES—MEASURE OF DAMAGES—RESTRAINING SALE OF SHARES.

Mansell v. British Linen Co. Bank (1892), 3 Ch. 159, was an action brought by the plaintiff claiming to be entitled to certain shares, and in which an interlocutory injunction was granted on the usual undertaking as to damages, restraining the shareholder and his mortgagees from selling the shares *pendente lite*. Before the trial, the mortgagees applied to have the shares sold, and the proceeds paid into court; but this application was successfully opposed by the plaintiff and the mortgagor. At the trial the action was dismissed. A question then arose as to the proper measure of the damages payable by the plaintiff under his undertaking. Romer, J., held that in ascertaining the damages the measure was not the difference between the price of the shares when the action was dismissed and the highest market price they had reached *pendente lite*; but that all the facts must be considered, including the fluctuations of the market during the continuance of the injunction; and that the difference between the market price when the injunction was granted and the price when the application for sale was made was the proper measure of damages.

Notes and Selections.

JURIES IN INDIA.—The *Indian Jurist* says things are not so bad there as in America in reference to trial by jury; though they are apparently bad enough. The following illustration is given: A man was tried at Benares for a brutal outrage on a girl aged eight years. Four out of the five jurymen returned a verdict of not guilty, which the judge refused to accept, and referred the case to the High Court, which promptly set it aside and convicted the prisoner, and sentenced him to rigorous imprisonment for seven years. We do not see that their juries are any improvement upon ours; but the law which enables them so promptly to remedy such a denial of justice on their part most certainly is.

THE RIGHT OF ASYLUM.—Mr. John Bassett Moore, Professor of International Law, Columbia College, New York, contributes to the *Political Science Quarterly* several interesting papers on "Asylum" in legations, and consulates, and in vessels, treating of the right of asylum; early diplomatic privileges and their decadence; survivals of asylum in Europe; asylum in America; diplomatic asylum in international law; and asylum in vessels. The subject may not be one of much interest to the general practitioner; but the lawyer who desires to be fully equipped, and has time for some very interesting reading, tending to enlarge the horizon of his mind, could not do better than read this collection of Mr. Moore's very valuable essays.